

Tiverton Town Council Landfill Subcommittee

Regular Meeting Minutes: October 25, 2006

I: Call to Order

Chairman Wyman called the meeting to order at 3:03 PM at the Tiverton Town Hall.

Members present: A. Wyman (Chairman), T. Ramotowski, J. Fernandes, R. Hart, D. Wilbur, D. Webster (Director of Public Works), and W. G. Steckman (Town Administrator).

Members absent: None.

II: Approval of Minutes

MOTION 1:

Mr. Webster made a motion to approve the minutes of the September 20, 2006 regular meeting as submitted. Mr. Fernandes seconded the motion.

VOTE: Motion passed unanimously 7-0.

III: Additions/Changes/Acceptance of Agenda

Mr. Ramotowski stated that he wanted to add two additional items to the agenda: (1) a discussion regarding the preparation of the regular meeting agendas, and (2) a discussion of the status of the restricted landfill closure account. Chairman Wyman directed Mr. Ramotowski to proceed.

Mr. Ramotowski stated that he had agreed to be responsible for E-mailing a copy of the Subcommittee's regular meeting agenda to the Secretary of State's Open Meetings Website. Submission of an agenda to this website is required by State law. In the past, an electronic copy of the Subcommittee's meeting agenda has been E-mailed by the Town Administrator's assistant. This system broke down for this meeting. Mr. Ramotowski stated that he obtained a printed copy of the agenda from the Town Administrator's office, but no electronic version was sent. Because of this, he had to retype the agenda into a Microsoft Word file in order to send it the Open Meetings website.

Mr. Ramotowski asked for clarification as to how the Subcommittee agendas are prepared and stated that a policy was needed to ensure an electronic copy was

forwarded to him so that it could be sent to the Open Meetings website. Chairman Wyman stated that the agendas are his responsibility and are prepared in consultation with the Director of Public Works. A tentative agenda is prepared by Mr. Webster and forwarded to the Subcommittee Chairman for review and approval. The final version of the agenda is then E-mailed to the Town Administrator's office. Mr. Ramotowski asked if he could be added to the initial E-mail distribution list for the meeting agendas. The present system requires the Town Administrator's assistant to E-mail out the agendas – and that is a double-handling of material that is not necessary. Chairman Wyman and Mr. Webster stated that they had no problem with E-mailing the Subcommittee's meeting agendas directly to Mr. Ramotowski.

Mr. Ramotowski stated that he would like to see a discussion of the landfill's restricted closure account added to either the November or December meeting's agenda. Mr. Ramotowski stated that in the past, the Subcommittee used to get updates on the status of that account, and it has been some time since the last update.

Mr. Steckman stated that the Town's annual audit was presently underway, and the results of the audit would include the status of the landfill closure account. The closure account is controlled by the Treasurer's office (as are all Town accounts). Mr. Steckman stated that once the Town hired a Finance Director, that person would be expected to provide oversight of this account and to make recommendations as to how it is invested.

Chairman Wyman stated that he had recently been asked by the Town Treasurer how the funds in the closure account should be invested. Chairman Wyman stated that the recent changes in landfill operations have undoubtedly extended the useable lifetime of the landfill, so the funds in the account will not be needed for at least ten years. The Treasurer stated that the funds could be invested in a CD for three years at an interest rate that was between 4.5% and 5%. Since something had to be done with the funds, Chairman Wyman stated that he concurred with the recommendation from the Treasurer. It was agreed that this topic would be placed on the agenda of an upcoming Subcommittee meeting.

Mr. Hart stated that he wanted to discuss the possibility of conducting additional water testing in the vicinity of the landfill. Chairman Wyman stated that the additional testing issue would be discussed under agenda item VII.

IV: Public Input

No members of the public were in attendance; therefore, there was no public input.

V: Quarterly Monitoring Report if Available from Pare Engineering

Mr. Webster stated that this item should be deferred to the Subcommittee's next regular meeting because the subject report had not yet been received.

VI: ACM – from Aggregate Industries, Gray's Mill Pond, and Main Road Bridge

Mr. Webster distributed a copy of an E-mail dated October 18, 2006, from T. Thies of Pare Engineering on the subject of the alternate cover material (ACM) the Town was hoping to receive from Aggregate Industries. The E-mail indicated that RI-DEM had concerns about the suitability of the material for use as ACM in the Tiverton landfill. None-the-less, D. Russell of RI-DEM was going to submit a draft letter of approval for his superiors to sign off on.

Mr. Webster stated that he had received a telephone call from Mr. Russell of RI-DEM today that he had summarized in the form of an internal memorandum to the Town Administrator. A copy of the memo was distributed to all Subcommittee members. Mr. Russell indicated that his superior at RI-DEM had decided that the material from Aggregate Industries would not be approved for use. RI-DEM expressed a number of concerns, including (1) the material may at times contain oils/hydrocarbons; (2) it exhibited a higher level of contamination than either the Starwoods or Main Road/Route 24 Bridge material that Town had previously received; (3) some Massachusetts DEP personnel had expressed concern about the material; and (4), Aggregate Industries is not located in Rhode Island – thus RI-DEM would have little control over the firm. Mr. Russell stated that his superior, L. Helstead, was willing to discuss the situation, but would probably not change his mind. A formal rejection letter will be issued by RI-DEM in the near future.

Mr. Webster stated that he was disappointed with this decision, because the testing results for the material indicated that it met the required standards. Aggregate Industries could supply a considerable amount of ACM for the landfill at no cost to the Town.

Mr. Ramotowski stated that it sounded like RI-DEM was concerned that Aggregate Industries might not be able to keep the tested material designated for use in Tiverton separate from the other materials at their site. That should also be a concern of the Town. Mr. Webster stated that he had visited Aggregate Industries' facility and felt that proper segregation of the material would not be a problem.

Mr. Webster stated that the major problem was that (1) this was a potential source for a large amount of free cover material that the Town was now not able to access. If the Town is forced to purchase cover material, the costs could run high. In addition, the Town paid Pare Engineering to review the test results for the material, and to pursue its acceptance at RI-DEM. Now that the Aggregate

Industries material had been rejected for use by RI-DEM, the Town has nothing to show for the expenditure of those funds.

Mr. Webster reported that about a week and a half ago, he had received a call from the DOT engineer in charge of the Route 24/Main Road Bridge project, asking the Town to return the fill that it had received from the subcontractor at the construction site. Fill was now needed at the site – the subcontractor had removed too much! Mr. Webster stated that he reluctantly agreed to allow RI-DOT to take the material back (it was already at the landfill) as long as there would be not cost to the Town. A day or so later, Mr. Webster stated that he received another call from RI-DOT stating that the fill would not be picked up, because the bridge project subcontractor had refused to pick it up unless it was paid to do so.

After that telephone call, Mr. Webster stated that he directed the DPW personnel at the landfill to spread out/otherwise use the fill in question. There is now no longer a pile of fill from the Main Road/Route 24 bridge job at the landfill. The Subcommittee concurred with this decision.

Mr. Ramotowski stated that all of the discussion about ACMs for the landfill reminded him to bring up an ongoing concern about the acceptance and use of street sweepings from several towns and RI-DOT as ACM for the landfill. Mr. Ramotowski stated that, to his knowledge, these street sweepings had never been tested – thus the Town has no idea if they represent a contamination hazard for the landfill. Mr. Webster stated that the use of street sweepings as ACM is allowed by RI-DEM. Mr. Ramotowski stated that he would prefer to see a representative load of street sweepings sampled and tested just like other ACMs for the landfill are tested. Mr. Webster stated that he wasn't sure there was such a thing as a "representative sample" as far as street sweepings were concerned.

Mr. Ramotowski asked what the volume of the street sweepings was that the Town was now accepting at the landfill on a yearly basis. Mr. Webster stated he did not know that figure. The amount of material coming is variable, because RI-DOT collects it from all over the East Bay. If this material were not accepted/used, the Town would have to purchase fill at cost to replace it. Mr. Steckman noted that as far as contamination was concerned, people are probably throwing away things in their regular garbage that were far worse. The street sweepings represent free cover material and the Town should take advantage of that. Mr. Ramotowski stated that the Town was required to accept residential trash and it lacked the funding and manpower to inspect the incoming material. It does not, however, have to accept street sweepings from RI-DOT and the Towns of Portsmouth and Middletown. Mr. Webster stated that no material is being accepted from Middletown at the present time.

Mr. Webster provided an update on the Gray's Mill Pond ACM. The dredged material will be placed in a stockpile on land to allow it to de-water. Samples will

be taken and analyzed. The owners of the pond will pay for the testing and also the cost of transporting the material to the landfill. If the test results are acceptable to RI-DEM, the material will be brought to the landfill. The total amount of material available is probably a couple of thousand cubic yards.

VII: Additional Services from Pare Engineering

Mr. Webster distributed a copy of a memorandum he wrote regarding possible additional services to be provided by Pare Engineering. A copy of an E-mail from Pare Engineering on laboratory quality control dated September 25, 2006, was also distributed. Mr. Webster asked if any of the additional items listed in the memo should be pursued. During the last quarterly water quality monitoring (in September of 2006) some additional sampling had been authorized (surface water sampling). The other suggestions discussed in the memo need to be reviewed in light of their cost and potential benefit to the Town.

Mr. Hart asked where the tributyltin contaminant originated. Mr. Ramotowski stated that tributyltin is a biocide that was commonly used in anti-fouling paints for boats and other items of hardware in the marine environment. Production of tributyltin-based biocides is now banned by the EPA, but it could be present in the landfill, because in the past, old boats were disposed of there. Any tributyltin-based coatings and paints currently in use have to be scraped off and replaced by 2008, so there could be a spike in the concentration of this contaminant in the landfill in the near future as individuals begin to comply with this rule.

Mr. Webster noted that Pare did not recommend the Town engage in any off-site water quality monitoring. Their reasoning is that any contamination would have to pass through the wetlands system southwest of the trash pile to leave the landfill site. Surface water samples are already collected and tested from that wetland.

Mr. Hart stated that he did not agree with that particular recommendation. If that reasoning were true, why is the Town testing the water at the recreation fields to the west of the landfill, but not the water in private wells located much closer to the landfill? Mr. Webster stated that Pare indicated that surface water and ground water flow from the landfill in the same direction – to the southwest. Deep groundwater in bedrock might be flowing in a different direction – but no one has any definite data on that at the present time.

Mr. Hart stated that a study of the landfill property had been carried out by a professor from URI several years ago, and he had concluded the ground water could flow in a different direction than the surface water. The well at the recreation field was found to be contaminated with lead and the drinking fountain shut was disconnected. There are houses with drinking water wells closer than that. The Smith property is probably the closest to the landfill, and he has reported unexplained bird and fish kills in his pond.

Mr. Ramotowski pointed out that a well water workshop had recently been held in Tiverton by URI, RI-DEM and the RI Department of Health. They explained that all well owners should be testing the quality of their water at regular intervals.

Mr. Hart stated that lead can cause brain damage in children and that the recreation field well was shut off when it was found to be contaminated with lead. Thus, the Town knows there is a contamination problem. Mr. Hart said he found it incredible that Pare would recommend no additional testing in view of the fact that there are homes closer to the landfill than the recreation fields – was Pare even aware of this fact? Mr. Ramotowski asked if the lead contamination at the recreation field had definitely been traced back to contamination coming from the landfill – could it come from piping in/under the recreation field complex? Mr. Hart stated that he did not know, and that was another reason why additional testing should be performed.

Mr. Wilbur noted that contaminants could be present at different depths in the water table. Mr. Hart agreed, but stated that even though some contaminants might be absorbed by soil particles under normal conditions, other chemicals in the water could cause the contaminants to become mobile again. Mr. Hart stated that the URI report on the geology of the bedrock underlying the landfill indicated the major cracks trend NE, not SW. Mr. Steckman stated that he understood the concern, but Pare was the technical expert retained by the Town for advice on landfill operations. In this instance, the Town would be following their expert technical judgement that additional testing was not necessary. Mr. Wilbur noted that Pare was also the engineering firm advising the State on operations at the Central Landfill in Johnston.

Mr. Ramotowski asked if the Trust that insured the Town should be involved in these discussions. The fact that the Town operates a landfill presents a liability problem unique to Tiverton. If additional testing were to be performed on a regular basis, would the Town's insurance premium be lowered? Mr. Steckman stated that the Town has a \$5,000,000.00 liability cap for insurance purposes. Tiverton is part of a large pool of Rhode Island municipalities. The insurance premium paid by the Town for coverage is not affected by the operations at the landfill. Other towns may not be operating a landfill at the present time, but all towns did in the past, and contamination could be leaking from those old landfills. Thus, the overall insurance risk related to landfills is about the same for all towns in the pool.

Mr. Hart stated that he disagreed with the statement made by Pare that surface and groundwater flows from the landfill are intercepted by a stream flowing between the landfill and the closest residential wells, and that the presence of the stream protects those wells from contamination from the landfill.

Mr. Webster asked for Subcommittee endorsement of the additional services he and Pare Engineering had agreed to. These additional services included

additional surface water monitoring, testing for TBTO, and some filtration of water samples collected for testing.

Mr. Webster made a motion to approve the additional testing services recommendation contained within his memo dated September 22, 2006 to Mr. Stackman. Mr. Fernandes seconded the motion.

VOTE: Motion passed 6-0-1 (Mr. Hart abstained).

Mr. Webster noted that he had received another invoice from Pare associated with the installation of the new monitoring wells. Pare had monitored the installation and mapped the locations of the new wells onto a map filed with RI-DEM. Pare had already billed the Town \$2,600.00 for that work, but recently, a second invoice for \$2,600.00 was received. Before Pare was authorized to perform the work, they were asked to provide an estimate of its total cost. The estimate they provided was \$2,600.00. With this second invoice, Pare has gone over their own estimate by 100%. That is a considerable cost over-run. Mr. Webster stated that he discussed the need for more accurate cost estimates with T. Thies of Pare Engineering; hopefully, this problem has been resolved.

VIII: Electronics Disposal

Mr. Webster distributed a copy of an article from the September 2006 issue of *Resource Recycling*. The article indicated that the RI State legislature had recently passed a law that makes it illegal to dispose of electronic waste in a landfill as of July 1, 2006. The law considers the following to be examples of electronic waste: computers; computer monitors; and all kinds of television sets.

Mr. Ramotowski stated the he thought such a ban was already in effect in Rhode Island, because RIRRC sponsors Eco-Depots all over the State, several times a year to collect electronic waste. Mr. Webster stated that RIRRC holds and electronic waste Eco-Depot in each town once a year. Mr. Webster noted that electronic waste of this nature is already banned from landfills in Massachusetts. The problem is that at the moment, here in Tiverton, we are not equipped to handle and store such waste.

Chairman Wyman asked what would happen to any such waste the Town collected? Would the Town have to wait a year to dispose of it through an Eco-Depot? Mr. Webster stated that there are companies who will haul it away and process it, but the Town will have to pay for that service. Thus, the net result of this law will be an increase in landfill operating expense for the Town. Mr. Webster stated that it might be possible to have an "electronic waste" collection program at curbside (like the present trash and recyclables collection), but again, that would entail an additional expense. Such a program would greatly reduce the problem of disposing of electronic waste at the landfill, because it would significantly reduce the amount of such waste residents would dispose of there.

Mr. Ramotowski stated that the Town and other municipalities should lobby the Legislature to increase the frequency of the collection of electronic waste by RIRRC via the Eco-Depot mechanism. Chairman Wyman suggested that the Recycling Committee be appraised of this issue. The Town needs to be proactive and make sure it does the right thing. Mr. Webster stated that regardless of what mechanism for collection of electronic waste was selected, the bottom line is that it will entail additional costs for the Town. Mr. Webster stated that he was in favor of a system that would impose a fee for the disposal of such items, because this is a new mandate being imposed by the State. Mr. Ramotowski expressed concern that if a per-item fee were to be imposed, people might abandon/dump such items all over Town.

IX: Discuss Date of Next Meeting/Adjournment

Chairman Wyman noted that the next regular meeting of the Subcommittee will be held on November 15, 2006 at 3:00 PM at the Town Hall.

Chairman Wyman noted that the next meeting would occur after the elections, and stated that, whatever the outcome may be, he enjoyed serving as the Chairman of the Subcommittee and thanked all of the members for their dedication and hard work on behalf of the Town over the past two years.

There being no further business to discuss, the Landfill Subcommittee's October 25, 2006 regular meeting adjourned at 4:10 PM.

These minutes were recorded and compiled by T. Ramotowski